

Message Text

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PAGE 01 STATE 225091

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ORIGIN EB-11

INFO OCT-01 NEA-10 ISO-00 L-03 CAB-09 CIAE-00 COME-00

INR-10 NSAE-00 RSC-01 FAA-00 /045 R

DRAFTED BY EB/OA/AVP:CHDUDLEY:EE
APPROVED BY EB/OA/AVP:JASILBERSTEIN
CAB - MR. RICKEY (PHONE)
FAA - MR. MATT (PHONE)
NEA/GRK - MR. CHURCHILL (PHONE)
L/EB - MR. GAITHER (DRAFT)

----- 127548

P R 142248Z NOV 73
FM SECSTATE WASHDC
TO AMEMBASSY ATHENS PRIORITY
INFO AMEMBASSY BEIRUT

UNCLAS STATE 225091

E.O. 11652: N/A
TAGS: ETRN, GR
SUBJECT: CIVAIR - REQUEST FOR POLICY GUIDELINES RE AIR
TRAVEL CLUBS
REF: ATHENS 7812

1. AIR TRAVEL CLUBS IN THE UNITED STATES ARE CERTIFIED BY THE FEDERAL AVIATION ADMINISTRATION UNDER PART 123 OF THE FEDERAL AVIATION REGULATIONS. THE CIVIL AERONAUTICS BOARD HAS GENERALLY CONSIDERED THAT AIR TRAVEL CLUBS DO NOT REQUIRE CAB OPERATING AUTHORIZATION SINCE THEY ARE NOT AUTHORIZED TO ENGAGE IN AIR TRANSPORTATION AS COMMON CARRIERS BY THE NATURE OF THEIR FAA CERTIFICATES. COMMON CARRIAGE, ESSENTIALLY, IS THE HOLDING OUT OF SERVICES TO THE PUBLIC FOR COMPENSATION OR HIRE. RECENTLY, HOWEVER, THE CAB'S BUREAU OF ENFORCEMENT HAS INITIATED LITIGATION AGAINST SEVERAL AIR TRAVEL CLUBS CONTENDING THAT THEY ARE, IN FACT, OPERATING AS COMMON CARRIERS.

2. INSOFAR AS ATLANTA SKYLARKS IS CONCERNED, CAB BUREAU
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PAGE 02 STATE 225091

OF ENFORCEMENT HAS RECEIVED NO COMPLAINT OR INFORMATION

WHICH WOULD INDICATE THAT THIS CLUB IS OPERATING AS A
COMMON CARRIER.

3. FAA ADVISES THAT ATLANTA SKYLARKS POSSESSES VALID
AIR TRAVEL CLUB CERTIFICATE AND OPERATIONS TO DATE HAVE
BEEN IN CONFORMITY WITH APPLICABLE FAA REGULATIONS.

4. EMBASSY, DRAWING ON FOREGOING AS APPROPRIATE, SHOULD
SUPPORT SKYLARKS APPLICATION IN SAME MANNER AS ANY OTHER
PRIVATE, NON-COMMERCIAL FLIGHT BY US AIRCRAFT TO GREECE,
ON BASIS OF ARTICLE 5 OF CONVENTION ON INTERNATIONAL
CIVIL AVIATION (CHICAGO, 1944) WHICH STATES, INTER ALIA,

"EACH CONTRACTING STATE AGREES THAT ALL AIRCRAFT OF
THE OTHER CONTRACTING STATES, BEING AIRCRAFT NOT ENGAGED
IN SCHEDULED INTERNATIONAL AIR SERVICES SHALL HAVE THE
RIGHT, SUBJECT TO THE OBSERVANCE OF THE TERMS OF THIS
CONVENTION, TO MAKE FLIGHTS INTO OR IN TRANSIT NON-STOP
ACROSS ITS TERRITORY AND TO MAKE STOPS FOR NON-TRAFFIC
PURPOSES WITHOUT THE NECESSITY OF OBTAINING PRIOR
PERMISSION, AND SUBJECT TO THE RIGHT OF THE STATE FLOWN
OVER TO REQUIRE LANDING."

BEGIN FYI: WHILE ARTICLE 5 SEEMINGLY WOULD PROHIBIT
PRACTICE OF REQUIRING PRIOR APPROVAL ARTICLE 11 HAS BEEN
INTERPRETED BY A NUMBER OF STATES AS MODIFYING ARTICLE 5
BY PERMITTING IMPOSITION OF SUCH A PRACTICE. END FYI. RUSH

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: CIVIL AVIATION, SUPPLEMENTAL AIRLINES, AIRCRAFT OVERFLIGHTS
Control Number: n/a
Copy: SINGLE
Draft Date: 14 NOV 1973
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: n/a
Disposition Approved on Date:
Disposition Authority: n/a
Disposition Case Number: n/a
Disposition Comment:
Disposition Date: 01 JAN 1960
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1973STATE225091
Document Source: CORE
Document Unique ID: 00
Drafter: CHDUDLEY:EE
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: n/a
From: STATE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1973/newtext/t19731133/aaaaayhm.tel
Line Count: 88
Locator: TEXT ON-LINE
Office: ORIGIN EB
Original Classification: UNCLASSIFIED
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators:
Previous Classification: n/a
Previous Handling Restrictions: n/a
Reference: ATHENS 7812
Review Action: RELEASED, APPROVED
Review Authority: willialc
Review Comment: n/a
Review Content Flags:
Review Date: 01 FEB 2002
Review Event:
Review Exemptions: n/a
Review History: RELEASED <01-Feb-2002 by elbezefj>; APPROVED <04-Feb-2002 by willialc>
Review Markings:

Declassified/Released
US Department of State
EO Systematic Review
30 JUN 2005

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: CIVAIR - REQUEST FOR POLICY GUIDELINES RE AIR TRAVEL CLUBS
TAGS: ETRN, GR, US, ATLANTA SKYKLARKS
To: ATHENS
Type: TE
Markings: Declassified/Released US Department of State EO Systematic Review 30 JUN 2005